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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,798	08/13/2001	Min-Ho Song	678-677 (P9669)	8091

7590

04/02/2004

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/02/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/928,798

Applicant(s)

MIN-HO SONG

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the patent application (09/427,680) filed on 10/27/1999.

Priority

2. The present patent application claims priority from foreign (Korean) application serial No. 2001-1611, filed 11 January 2001.

Status of the claims

3. The pending claims 1-5 are examined as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Sim Seng-Wook, et al (European Patent Application Publication No. (EP 1039 768 A2)).

Mobile messaging encompasses a number of technologies and services enabling the exchange of messages between mobile users. The present invention is an improvement over the existing mobile messaging, that is, Short Messaging Service (SMS). The service allows the transfer of short text messages between mobile users. Similarly, Sim et al (EP 1 039 768 A2) is also directed to the same invention. Consequently Sim et al also anticipates the claims of the current invention.

With regard to claim 1:

As illustrated in Figs. 5, 6A and 6B and as described in paragraphs [0051]-[0058], Sim discloses a method similar with the present invention, that is, Sim discloses data transmitting method (Fig. 2) for a digital mobile phone using a short message service (SMS). The method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (Fig. 2, #28, [0025], [0032]).

The method also discloses receiving information about the target mobile user, a user to be called to which information is to be transmitted (Fig. 7, [0059-0062]).

The method further discloses transmitting the SMS message having data of the graphic/image file and header information (Fig. 2, #26, [0038]) indicating that the message is an image message to the called mobile phone by the SMS ([0051]-[0058]).

With regard to claim 2:

Sim further discloses transmitting the graphic data in a plurality of repeated (successive) SMS message block (Fig. 4) if the data amount of the graphic data is judged to exceed the final bit allowed for the SMS block (Figs. 6A and 6B, [0012], [0039], [0057]-[0058]).

With regard to claim 3:

As illustrated in Figs. 7, 8A and 8B and as described in paragraphs [0012], [0059] - [0064], Sim discloses a method similar with the present invention, that is, Sim discloses data receiving method (Fig. 3) for a digital mobile phone using a short message service (SMS). The

method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (fig. 3, #38, [0045]).

Sim also discloses detecting (checking) and analyzing the header information for the received message data type, and determines the data type (via the message type indicator of SMS header) (FIG. 4, claims 9-12, 23 and 24). Sim also discloses determining if the received data type is a text message then the SMS message type indicator indicates a text message, and otherwise, if the header information (Fig. 4) indicates a graphic message, storing the graphic data of the SMS message in the data storage (see Sim paragraphs [0061]-[0062]).

With respect to claim 4:

Claim 4 recites the same limitations recited in claims 1 and 3; thus, claim 4 is also rejected for the same reasons given for the rejections of claims 1 and 3.

With regard to claim 5:

Claim 5 corresponds generally to independent claim 2 and recites similar features, thus, Claim 5 is rejected for reasons similar to those given for the rejection of claim 2.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

Art Unit: 2173

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

A handwritten signature in black ink, appearing to read 'Tadesse Hailu', written in a cursive style.

March 31, 2004